

FINAL BILL REPORT

2SHB 1009

C 165 L 23
Synopsis as Enacted

Brief Description: Concerning military spouse employment.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby).

House Committee on Innovation, Community & Economic Development, & Veterans
House Committee on Appropriations
Senate Committee on Labor & Commerce
Senate Committee on Ways & Means

Background:

Professional Licensing.

Washington regulates a variety of businesses and professions. A business or profession may be regulated directly by an agency or under a board, commission, or other authority that may have sole or shared jurisdiction. Each regulated business and profession is governed under a separate set of laws. Generally, businesses and professions allow for some form of reciprocity for licensees from other states.

A comprehensive regulatory framework establishes licensing requirements for many types of businesses and professions in the state. In some fields, individuals are regulated. In others, it is an entity that is regulated. Authorities that issue licenses, certificates, registrations, or permits to individuals under the comprehensive regulatory framework include the following:

- the Department of Health (DOH) directly regulates or collaborates with a board or commission to oversee health professions, including physicians, nurses, and dentists;
- the Department of Licensing (DOL) directly regulates or collaborates with a board or commission to oversee a wide variety of professions, including architects, cosmetologists, and funeral directors;

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- the Department of Labor and Industries (LNI) regulates contractors and plumbers;
- the Board of Accountancy oversees certified public accountants;
- the Department of Ecology regulates persons licensed to dig wells;
- the Department of Financial Institutions (DFI) regulates escrow agents;
- the State Director of Fire Protection, an appointee of the Chief of the Washington State Patrol, oversees persons licensed or certified to perform services related to fire protection sprinkler systems, including fire protection sprinkling fitters; and
- county auditors register process servers.

The DOL regulates a number of professions outside of the comprehensive regulatory framework. These include:

- notary publics;
- driver training instructors;
- timeshare salespersons; and
- a number of categories related to professional athletics.

The LNI also regulates professions outside of the comprehensive regulatory framework. These include:

- electricians;
- elevator mechanics and contractors; and
- boiler pressure/vessel commissioning.

A number of other authorities regulate professions outside of the comprehensive regulatory framework. These include:

- the Professional Educator Standards Board (PESB) for certification of teachers in this state;
- the Washington State Bar Association for attorneys and legal technicians;
- the Department of Children, Youth, and Families for child care providers; and
- the Department of Social and Health Services for medical interpreters.

Expedited Professional Licensing for Military Spouses.

A licensing authority, regulating under the comprehensive regulatory framework or certain other statutes, must establish procedures to expedite the issuance of a license, certificate, registration, or permit to perform professional services (license) to a qualified military spouse. A qualified military spouse is a person who:

- is certified or licensed to perform professional services in another state;
- has a spouse that is transferred by the military to Washington; and
- left employment in another state to accompany his or her spouse to Washington.

The procedures must include a process for issuing the military spouse a license if, in the opinion of the authority, the requirements for licensure of the other state are substantially equivalent to Washington's requirements.

Each licensing authority must develop a method to authorize a military spouse who meets

the established criteria to receive a temporary license. The temporary license allows the military spouse to perform services regulated by the authority while completing any specific requirements that may be required in Washington that are not related to training or practice standards and were not required in the other state. However, an authority is not required to issue a temporary license if the standards of the other state are substantially unequal to Washington standards.

Reporting Requirements.

The DOL and the DOH are required to report on their efforts to implement legislation modifying professional licensing procedures for military spouses:

- in a biennial report to the Legislature;
- in an annual report to the Military Transition Council; and
- annually before the Joint Committee on Veterans' and Military Affairs.

Employment Contracts.

In general, Washington is an at-will employment state, which means either the employee or employer may terminate an employment relationship at any time without fear of liability. One exception to the at-will employment doctrine is if an employment contract exists.

Summary:

The LNI and the DFI, with respect to licensing of escrow agents, are removed from the requirement that licensing authorities establish procedures to expedite the issuance of a license to a qualified military spouse. The criteria for a qualified military spouse are modified to remove the requirement that the military spouse left employment in another state to accompany his or her spouse to Washington.

A licensing authority must issue a license to a qualified military spouse within 30 days of receipt of a completed application. A completed application means that the authority has received all supporting materials, related application fees, fingerprints, and required documentation associated with a criminal background check.

A licensing authority must issue a temporary license to a qualified military spouse within 30 days of receipt of a completed application. A completed application includes a copy of the certificate issued by the other state for a certificated education professional, related application fees, fingerprints, and required documentation associated with a criminal background check. A temporary license must be valid for a period of no less than 180 days.

The DOH, the DOL, the PESB, and the other authorities with licensing responsibilities under the comprehensive regulatory framework, except the LNI, must:

- identify a contact or coordinator within the authority to assist military spouse applicants and licensees; and
- provide training to each board or commission member on the culture of military spouses, the military spouse experience, and issues related to military spouse career

paths by January 1, 2024, or within 90 days of appointment.

The Department of Veterans Affairs (DVA) must create an internet-based training that may be used by each authority to satisfy the training requirement.

In addition, licensing authorities are encouraged to:

- appoint a military spouse to serve on its licensing board or commission;
- conduct a review of the authority's licensing application process for military spouses and identify barriers to military spouse employment; and
- review licensing fees and related expenses and identify possible ways to reduce costs for military spouses.

Military Spouse Assistance Web Page.

The DOH, the DOL, the Employment Security Department (ESD), the DVA, and the PESB are each required to establish a military spouse assistance web page, which must contain:

- each authority's rules and procedures, including any required fees, related to the licensing of military spouses;
- contact information for each authority's military spouse contact or coordinator; and
- links to the military spouse assistance web pages of other agencies.

A direct link to the agency's military spouse assistance web page must be displayed on the agency's home page.

Military Spouse Employment Demonstration Campaign.

The DVA, the ESD, and the Department of Commerce must consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase military spouse employment. This campaign may include partnerships with chambers of commerce that result in business owners sharing, with the local chamber of commerce, information on the number of military spouses employed and the local chambers of commerce providing this information to the DVA.

Employment Contracts.

A military spouse may terminate an employment contract without penalty at any time after the service member receives orders for a permanent change of station, if the spouse provides written notice to the employer of the termination. The military spouse also must provide written proof of the official orders showing that the service member has received orders for a permanent change of station. Termination of the employment contract is effective on the day written notice is given or on a date mutually agreed to by the parties to the employment contract.

Reporting Requirements.

The DOL, the DOH, and the PESB are required to report on their efforts to implement legislation modifying professional licensing procedures for military spouses:

- beginning in 2024, in an annual report to the Legislature; and

- annually before the Joint Committee on Veterans' and Military Affairs.

Votes on Final Passage:

House 98 0

Senate 49 0 (Senate amended)

House 97 0 (House concurred)

Effective: July 23, 2023

October 1, 2023 (Section 4)